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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00775 SBA
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING STATUS CONFERENCE
v.)	AND EXCLUDING TIME
)	
JUAN OCTAVIANO LOPEZ,)	
aka Juan Octavio Lopez Ortiz,)	
aka Juan Lopez Gomez,)	
aka Manuel Vargas, and)	
GLENDY GOMEZ,)	
aka Glendy Elizabeth Gomez,)	
)	
Defendants.)	

Plaintiff, by and through its attorney of record, and defendants, by and through their counsel of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 9:30 a.m. on Wednesday, March 2, 2011, before United States Magistrate Judge Donna M. Ryu.

2. The parties request that this hearing be continued until 9:30 a.m. on Wednesday, March 30, 2011, in order to provide defendants' counsel with additional time to evaluate the evidence in this case and determine whether or not defendant should enter a change of plea or

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

1 file motions and to prepare for trial in this matter.

2 3. Specifically, additional time is needed for defendant Lopez's defense counsel to
 3 review the record regarding defendant Lopez's prior state felony narcotics conviction and to
 4 determine whether or not to initiate court proceedings to attack that prior conviction. Counsel
 5 for both defendants also continue to need additional time to review the discovery in this matter
 6 and to determine whether motions are appropriate. The parties believe that failure to grant the
 7 above-requested continuance would deny defendants' counsel and defendant the reasonable time
 8 necessary for effective preparation taking into account the exercise of due diligence and that the
 9 ends of justice served by continuing the case as requested outweigh the interest of the public and
 10 defendant in a trial within the date prescribed by the Speedy Trial Act.

11 4. Thus, the parties respectfully request that the Court find that the time period from
 12 March 2, 2011, to March 30, 2011, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv)
 13 because it results from a continuance granted by the Court at the defendants' request and on the
 14 basis of the Court's finding that the ends of justice served by taking such action outweigh the
 15 best interest of the public and the defendants in a speedy trial and because failure to grant the
 16 continuance would unreasonably deny defense counsel the time necessary for effective
 17 preparation for trial, taking into account due diligence.

18 IT IS SO STIPULATED.

19 MELINDA HAAG
 United States Attorney

20
 21 Dated: March 1, 2011

22 /s/
 GARTH HIRE
 Assistant United States Attorney
 23 Attorney for United States of America

24 Dated: March 1, 2011

25 /s/
 LYNN KESLAR
 26 Attorney for Defendant
 Juan Octaviano Lopez
 27
 28

Dated: March 1, 2011

/s/
RANDALL KNOX

Attorney for Defendant
Glendy Gomez

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled March 2, 2011, status conference hearing is vacated. A status conference hearing is now scheduled for 9:30 a.m. on March 30, 2011.

2. The time period from March 2, 2011, to March 30, 2011, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendants' request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

DATED: 3/1/2011


HONORABLE DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE